

**UNITED STATES DISTRICT COURT  
Western District of Texas  
Austin Division**

PRENTISS MCKAY,

*Plaintiff*

v.

MIDLAND FUNDING, LLC and  
SCOTT & ASSOCIATES, P.C.

*Defendants.*

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CASE NUMBER: 1:cv-17-383-SS

Hon. Sam Sparks

**JOINT DISCOVERY PLAN**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff Prentiss McKay and Defendants Midland Funding, LLC and Scott & Associates, P.C. (collectively "the Parties") to file this Joint Discovery Plan and show unto the Court as follows:

The parties conduct extensive telephone discussion of the facts surrounding this case, the Parties believe that the facts are generally agreed on and the question is one of proper interpretation of the law as it applies to the facts. To that end the Parties have agreed that the defendants will drop their alternative pleadings and the Parties will file summary judgments without conducting discovery other than to seek stipulation or admission as to plaintiff's address at the relevant time. With that in mind the Parties propose the following discovery plan under FRCP 26(f)(3).

- (1) *What changes to should be made as to Rule 26 disclosures and statement as to exchange of the disclosures:*

The Parties believe no changes are necessary or appropriate to the timing, form, or requirement for disclosures under Rule 26(a). The required disclosures will be made no later than July 14, 2017.

*(2) The subjects on which discovery may be needed and whether it should be conducted in phases:* As discussed above, the Parties do not believe discovery is necessary as this case presents only an issue of law that can be decided by the Court. It is the intention of the Parties to stipulate to Plaintiff's actual damages and address; for Defendant to withdraw its affirmative defenses; and to present the case for determination by the Court as this case deals solely with an issue of law.

*(3) Issues regarding electronically stored information:* The Parties have no known issues regarding disclosure, discovery, or preservation of electronically stored information.

*(4) Issues regarding privilege:* The Parties have no known issues regarding claims of privilege or of protection of trial-preparation materials.

*(5) Changes to discovery and other limitations to discovery:* As stated above, the Parties do not wish to conduct any additional discovery. Parties believe no changes are necessary to the limitations on discovery imposed under the FRCP or the Local Rules.

*(6) Any other orders:* The defendant may require a confidentiality agreement but believes that the Parties will be able to work out such an agreement without Court intervention. In the event the Parties are unable to do so they may seek court intervention for entry of a protective order.

WHEREFORE, PREMISES CONSIDERED, the Parties hereby submit the 26(f) Discovery Plan required by the Court's May 30, 2017 Order.

Respectfully submitted,

/s/Tyler Hickle

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***COUNSEL FOR DEFENDANTS***

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing has been sent **via ECF** on this 10th day of July, 2017.